

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:03CR48-01**

UNITED STATES OF AMERICA,)
)
 v.)
)
 ELIAS ECHEVERRIA-MENDEZ,)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the court on Defendant's pro se motion to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 709 to the Sentencing Guidelines (Document #584), filed February 2, 2008. However, Amendment 709 does not apply retroactively. Therefore, this amendment does not authorize a reduction in Defendant's sentence. United States v. Holmes, 2009 WL 3138859, *1 (4th Cir. 2009) (unpublished).

WHEREFORE, for the foregoing reasons, Defendant's motion to modify his sentence is **DENIED**.

Signed: December 7, 2009



Richard L. Voorhees
United States District Judge

